



**FOLEY  
HOAG** LLP  
ATTORNEYS AT LAW

January 14, 2005

Mary Beth Gentleman  
Boston Office  
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**By Hand**

Ms. Mary L. Cottrell  
Secretary  
Department of Telecommunications & Energy  
One South Station  
Boston, MA 02110

Re: D.T.E. 03-128  
Petition of New England Power Company

Dear Ms. Cottrell:

On behalf of Dominion Energy Salem Harbor, LLC, I enclose for filing in the above-referenced docket one original and six (6) copies of the Motion of Dominion Energy Salem Harbor, LLC to Substitute for USGen New England, Inc. as an Intervenor.

Kindly date stamp the enclosed copy of this letter and return same to our messenger.

Thank you for your attention to this matter.

Sincerely,

  
Mary Beth Gentleman

MBG:jrd  
Enclosure

cc: Selma Urman, Hearing Officer  
Deidre Matthews, Director, Siting Division  
William Febiger, Technical Director, Siting Division  
Jolette Westbrook, General Counsel, Siting Board  
Amy Barad, Analyst, Siting Division  
Marisa A. Sifontes, Esquire  
Michael A. Fitzgerald, Director, Salem Harbor Station  
Service List

FHBOSTON/1156745.1

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**D.T.E. 03-128**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing documents upon all persons below in accordance with the requirements of 220 C.M.R. § 1.05 and the procedural rules in this docket.

Dated at Boston this 14<sup>th</sup> day of January, 2005.



Mary Beth Gentleman  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210  
(617) 832-1199

Mary L. Cottrell, Secretary  
Department of Telecommunications and  
Energy  
One South Station  
Boston, MA 02210

Selma Urman, Hearing Officer  
Department of Telecommunications and  
Energy  
One South Station  
Boston, MA 02110

Intervenors

Paige Graening, Esquire  
National Grid USA Service Company  
25 Research Drive  
Westborough, MA 01581

James A. Toomey, Esquire  
Murphy, Hesse, Toomey & Lehane, LLP  
300 Crown Colony Drive  
Quincy, MA 02169

James G. Gilbert, Esquire  
City Solicitor, City of Salem  
15 Front Street  
Salem, MA 01970

Petition of New England Power Company  
for Exemption of Electric Substation  
Additions from Zoning Ordinances  
of Salem, Massachusetts

Now comes Dominion Energy Salem Harbor, LLC (“Dominion Salem Harbor”) and moves that the Department of Telecommunications and Energy (“Department”) substitute Dominion Salem Harbor for USGen New England, Inc. (“USGenNE”) as an intervenor in the above-captioned docket. In support of this motion, Dominion Salem Harbor respectfully states as follows:

1. Dominion Salem Harbor is a Virginia limited liability company with a principal place of business at 120 Tredegar Street, Richmond, Virginia.
2. Effective January 1, 2005, title to the Salem Harbor Station (“Salem Harbor”) was transferred from USGenNE to Dominion Salem Harbor.
3. On December 3, 2003, New England Power Company (“NEP”), the Petitioner in the instant docket, filed for an “exemption by the Department from the operation of the Zoning Ordinances of the City of Salem, Massachusetts with respect to the construction and use of proposed additions to NEP’s 115kV switchyard located at Salem Harbor Station.” NEP Petition at 1.
4. On January 27, 2004, USGenNE filed a timely Petition for Leave to Intervene (“USGenNE Petition”). USGenNE stated that NEP owns equipment in the switchyard and

operates that equipment on USGenNE's land pursuant to an easement. USGenNE Petition at 2.

USGenNE stated that it would be specifically affected by the outcome of this proceeding because the proposed project would be built on land which USGenNE owned in fee simple. *Id.*

5. The Department granted USGenNE's Petition as follows:

Since NEP is seeking a zoning exemption in order to undertake construction that will occur on property owned in fee by USGenNE, the Department finds that USGenNE has demonstrated that it is substantially and specifically affected by the proceeding. The Department therefore grants USGenNE's petition to intervene.

*New England Power Company*, D.T.E. 03-128, Hearing Officer Ruling on Petitions for Leave to Intervene Filed by the City of Salem, Massachusetts and USGen New England, Inc., February 11, 2004 at 2 .

6. As the new owner of Salem Harbor, Dominion Salem Harbor has the same interest in fee simple in Salem Harbor that USGenNE had at the time its petition was granted. Moreover, no other party to this proceeding, including USGenNE, can adequately represent the interest recognized by the Department in granting USGenNE's Petition. Therefore, Dominion Salem Harbor is now the appropriate entity to protect that interest and should be substituted for USGenNE.

7. Dominion Salem Harbor is not seeking any change in schedule as a result of its substitution for USGenNE. The granting of this motion will, therefore, not adversely affect the interest of NEP in a speedy adjudication of its Petition, nor will it adversely affect the interest of any other party to this proceeding.

8. USGenNE has assented to the proposed substitution.

9. NEP and the City of Salem have also assented to the proposed substitution.

Therefore, Dominion Salem Harbor respectfully requests that the Department substitute Dominion Salem Harbor for USGenNE as an intervenor in this proceeding.

Respectfully submitted,

**DOMINION ENERGY SALEM HARBOR, LLC**

By its attorneys,

A handwritten signature in cursive script, appearing to read "Mary Beth Gentleman", is written over a horizontal line.

Mary Beth Gentleman  
Pat A. Cerundolo  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210  
(617) 832-1000

Dated: January 14, 2005